

S.B. Criminal Misc. Bail Application No.2672/2006

Date : 04.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Pradeep Shah for the applicants.

Mr. Vishnu Kachhawaha, Public Prosecutor.

By this application under Section 439 Cr.P.C., the applicants have sought bail in FIR No.141/2006, Police Station Raisinghnagar for the offence under Sections 147, 148, 447, 323, 324, 326, 307, 427, 435 read with 149 IPC.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that in the instant case as per ParchaBayan of Ganeshram, injuries sustained by Kalu Ram, Bhagirath, Shrawan Kumar and Bhoora Ram all have received simple injuries and a perusal of injury report shows that there is no injury on the vital part of the injured and it has not been suggested that co-accused were responsible for the injuries. It is submitted that 15 persons have been involved falsely in this case and no investigation is pending against them as challan has been filed.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that in the manner in which offence has been committed in the field of Bhagirath and the accused persons tried to put him on fire, therefore, the accused-applicants may not be enlarged on bail.

I have considered the submission made before me.

Without expressing any opinion on the merit of the case, and taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Somdayal son of Jaimal Ram (2) Makkhan Singh son of Jangeer Singh (3) Jarnel son of Jumma Ram and (4) Karnel Singh son of Juma Ram shall be released on bail in FIR No.141/2006 P.S. Raisinghnagar, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.